

GP/1642

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

) Examiner: M. Davis

Steven H. Hinrichs et al.

) Art Unit: 1642

Serial No. 09/519,665

)

Filed: March 6, 2000

)

For: "Methods and Compositions

)

For Modulating

)

Transcription Factor

)

Activity"

)

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited on February 4, 2002 with the United States Postal Service as first class mail in an envelope properly addressed to COMMISSIONER OF PATENTS AND TRADEMARKS, Washington, D.C. 20231.

February 4, 2002

Date

Jane C. Bogan

Jane C. Bogan

RESPONSE TO OFFICE COMMUNICATION

The present submission is in response to the Office Communication dated January 02, 2002 in which the Examiner indicated that the above-identified patent application fails to comply with the sequence listing rules under 37 C.F.R. §§1.821-1.825. Specifically, the Examiner asserted that Claims 14-16 and the specification recite fusion proteins that are not accompanied by sequence identifiers (SEQ ID NO'S).

Applicants respectfully submit that the above-identified patent application contains no disclosure of nucleotide and/or amino acid sequences encoding the fusion proteins in claims 14-16 and the specification. 37 C.F.R. §1.821(c) states that when the claims or description of a patent application contain

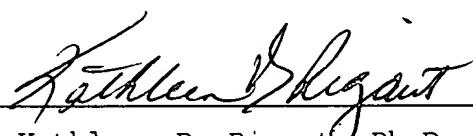
sequences disclosed in a separate "sequence listing", the sequences in the claims or description must be accompanied by sequence identifiers. With respect to the fusion proteins in the instant case, Applicants assert that no sequence identifiers are required under 37 C.F.R. §1.821(c) because the nucleotide and/or amino acid sequences encoding the fusion proteins were not disclosed in the claims or the description. Moreover, the nucleotide and/or amino acid sequences encoding the fusion proteins in Claims 14-16 and the specification were not disclosed in the separately filed sequence listing.

Thus, Applicants respectfully submit that the above-identified patent application fully complies with the sequence listing rules under 37 C.F.R. §§1.821-1.825.

Respectfully submitted,

DANN, DORFMAN, HERRELL AND SKILLMAN
A Professional Corporation

By


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/519,665	03/06/2000	Steve H Hinrichs	NI1374-007	8712

110 7590 01/02/2002
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EXAMINER
DAVIS, MINH TAM B

ART UNIT 1642
PAPER NUMBER

DATE MAILED: 01/02/2002 *7*

Please find below and/or attached an Office communication concerning this application or proceeding.

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.



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EXAMINER	
MINH-TAM DAVIS	
ART UNIT	PAPER NUMBER
1642	

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Please find below a communication from the EXAMINER in charge of this application

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821 through 1.825. However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the following reason(s):

Claims 14-16 and the specification recite fusion proteins which are not accompanied by a sequence identification number.

Any inquiry concerning this communication should be directed to Examiner MINH-TAM DAVIS, Art Unit 1642, whose telephone number is 703-305-2008.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.


ANTHONY C. CAPUTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

Attachment for PTO-948 (Rev. 03/01, or earlier)

6/18/01



The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

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INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.